

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA)	Criminal Case No. 6:03cr30073-8
)	
v.)	<u>2255 FINAL ORDER</u>
)	
DONALD PAUL OWENS.)	By: Norman K. Moon
)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the motion to dismiss (docket no. 735) is **GRANTED**, Owens's motion pursuant to 28 U.S.C. § 2255 (docket no. 728) is **DISMISSED** as untimely filed, and this action is **STRICKEN** from the active docket of the court.

Further, finding that Owens has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send copies of this order and the accompanying memorandum opinion to petitioner.

ENTERED this 9th day of July, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE